

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

-----X Index No. 08 CV 6298
 KAI KEMNITZ,

Plaintiff(s)
 Against
LEHMAN BROTHERS INC.,

Defendant(s)
 -----X
STATE OF NEW YORK, COUNTY OF NEW YORK, SS:

The undersigned, being duly sworn, deposes and says: deponent is not a party herein, is over 18 years of age and resides at BRONX, NY

That on July 16, 2008 at 03:03 PM at the address

1271 6TH AVENUE
 NEW YORK, NY

deponent served the within Summons and Complaint

UPON: LEHMAN BROTHERS, INC.

By personally delivering a true copy of the Summons and Complaint to MARTHA SOLINGER, managing agent thereof.

Deponent describes the person actually served as follows:

SEX: FEMALE
 SKIN: White
 HAIR: Brown
 AGE: 36-50
 HEIGHT: 5'4"-5'8"
 WEIGHT: 131-160
 OTHER FEATURES: Glasses

I asked the person spoken to whether said served was in active military service of the United States or of the State of New York in any capacity whatsoever and received a negative response. Said served wore ordinary civilian clothing and no military uniform. The grounds of this belief and the source of my information in this regard are the observations and conversations accounted above. Hence, upon information and belief, I assert that the recipient is not in military service of the United States or of New York State as the term is defined in the state or in the Federal statutes.

Sworn to before me this 23rd day of July, 2008

Ana E. Sanchez
 ANA E. SANCHEZ
 NOTARY PUBLIC, STATE OF NEW YORK
 NO: 01SA5067260
 QUALIFIED IN BRONX COUNTY
 COMMISSION EXPIRES: October 15, 2010

Ramon Torres
 RAMON TORRES
 LICENSE NO.: 1097961